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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

**FILED**  
MAR 02 2007  
U.S. DISTRICT COURT  
BAY CITY, MICHIGAN

IN THE MATTER OF THE APPLICATION  
OF THE UNITED STATES OF AMERICA  
FOR AN ORDER AUTHORIZING THE  
INSTALLATION AND USE OF A POLE  
CAMERA

Misc No. 07-X- 50188  
Magistrate Judge Charles E. Binder

**APPLICATION**

Michael Hluchaniuk, Assistant United States Attorney, hereby applies to the court for an order authorizing the installation and use of a pole camera. In support of this application, the applicant states the following:

1. Applicant certifies that the United States Immigration and Customs Enforcement (hereinafter referred to as ICE) is conducting a criminal investigation involving alien smuggling and marriage fraud, with possible violations of Title 8, United States Code, Sections 1324 and 1325; that it is believed that the subjects of the investigation are using a residence in the City of Mt. Pleasant, Michigan, in furtherance of the subject offenses; and that the information likely to be obtained from the use of a pole camera is relevant to the ongoing criminal investigation.

2. One of the suspects in the investigation is a man named Francisco Alejandro CHAVEZ, who has a Michigan state drivers license that identifies his address as 11101 E. Pickard Rd. Lot 9, Mt. Pleasant, Michigan 48858. On September 22, 2006, ICE Agents conducted a rolling surveillance where suspects involved in obtaining a marriage license for the purposes of committing a marriage fraud, were followed from the Montcalm County Courthouse in Stanton, Michigan to 11101 E. Pickard Rd., Lot 9, Mt. Pleasant, Michigan. On February 13, 2007, a cooperating witness, who has been to 11101 E. Pickard Rd., Lot 9, Mt. Pleasant, Michigan on at least seven (7) occasions, identified this address as a site where CHAVEZ harbors illegal aliens who have been transported from New Jersey while they are awaiting fraudulent documents and marriage to an United States citizen for the purposes of defrauding the government. Continued surveillance of this residence and the nearby area is important to this investigation but this surveillance cannot be accomplished safely and securely without the use of a pole camera. The camera is to be mounted on a utility pole belonging to Consumers Energy which is located near the residence. The camera will view only those areas accessible to the general public.

3. Applicant notes there is no specific authority in federal law for the

issuance of an order for installation of a pole camera and therefore requests that the court issue an order pursuant to the authority of Title 28, United States Code § 1651 (All Writs Act), which allows courts to "issue all writs necessary or appropriate in aid of their jurisdictions" and Federal Rule of Criminal Procedure 57(b), which provides for similar general authority to issue orders, for the installation and use of a pole camera to be installed on a utility pole belonging to Consumers Energy which is located near 11101 E. Pickard Road, Lot 9, Mt. Pleasant, Michigan for a period of ninety days.


4. The applicant further requests that the order direct the furnishing of information, facilities, and technical assistance necessary to unobtrusively accomplish the installation of the pole camera by the Consumers Energy Company.

WHEREFORE, it is respectfully requested that the court grant an order for a period of ninety (90) days: (1) authorizing the installation and use of a pole camera to be installed on a utility pole belonging to Consumers Energy Company located near 11101 E. Pickard Road, Lot 9, Mt. Pleasant, Michigan; (2) directing the Consumers Energy Company to forthwith furnish agents of the investigative agencies with all information, facilities and technical assistance necessary to

accomplish the installation and use of the pole camera unobtrusively and (3)  
sealing this application and the court's order.

I declare under penalty of perjury that the foregoing is true and correct to the  
best of my knowledge, information, and belief.

Executed on:  
March 2, 2007

  
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Michael Hluchaniuk  
Asistant United States Attorney  
101 First Street, Ste. 200  
Bay City, MI 48708  
(989) 895-5712